IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.6408 of 2002

Shri Mahadev Bandoba Potdar — Petitioner
Vs.
Shri Baban Dnyanu Patil & anr. — Respondents

Mr.Pratap Patil for petitioner.
Mr.R.V.More for Resp.No.1.
Mr.A.H.Palekar, AGP for Resp.No.2.

CORAM: B.H.MARLAPALLE,J.

June 19, 2006.

P.C.

. This petition assails the order passed by the SDO, Islampur entertaining Appeal No.22 of 1998 by which the order passed by the Tahsildar, Shirala on 22/9/1998 in Tenancy Case No.15 of 1998 has been set aside. The Tahsildar's order was in favour of the petitioner and the agricultural land admeasuring 55 Ares from Gat No.82/1 of village Bhatshirgaon in Taluka Shirala was granted to him under Section 84(4) of the Bombay Tenancy and Agricultural Lands Act, 1948 ("the Act" for short). The SDO in the appeal filed under Section 74 of the Act noted that the appellant's (present respondent no.1) application was on record when the proclamation dated 13/7/1998 was issued and the said application was not taken into consideration when the suit land was granted in

favour of the present petitioner. In addition it was noted by the SDO that adequate publicity was not given to the proclamation and, therefore, on both these counts the order of the Tahsildar passed in favour of the present petitioner was set aside. Consequently the petitioner had approached the Maharashtra Revenue Tribunal by way of Revision Application No.60 of 1999 and the same came to be dismissed on 29/9/2001. It is thus clear that this petition has been waiting for admission for the last about five years.

. Mr.More, the learned counsel for the respondent no.1 has referred to a decision of this Court in the case of Kishor Govardhandas Tanna vs. Malhari Nimbaji Patil & ors. **[1998 (3) Mh.L.J. 811]** and submitted that in the said decision the procedure that is required to be followed for disposal of Government land under Section 84-C of the Act has been laid down and the said procedure has not been followed in the instant case. Mr.Palekar, the learned AGP has placed before me the concerned record and it is noted that the proclamations dated 29/12/1997 as well as 13/7/1998 did not mention the price of the land as determined by the Mamlatdar as

required under Section 63-A of the Act. In addition it appears from the record that the second proclamation dated 13/7/1998 was issued purportedly on the ground that the earlier proclamation dated 29/12/1997 was not given due publicity. In fact in response to the earlier publication the respondent no.1 had submitted his application and the SDO has noticed that the said application was on record and it was not considered when the claim of the petitioner was considered by the Tahsildar.

. It would be, therefore, appropriate that the respondent-authorities issue a fresh proclamation for grant of the suit land under Section 84-C(4) of the Act and by following the procedure as laid down in the case of Kishor Govardhandas Tanna (Supra) in asmuchas the said proclamation must mention the price of the land as determined by the Mamlatdar under Section 63-A of the Act so that the applicants in response to the proclamation are aware of the price fixed for grant of the suit land, while they submit their bids.

. The petition is, therefore, disposed off by directing the respondent-authorities to issue a fresh

proclamation for grant of the suit land within a period of two months from today and by following the law laid down in Kishor Govardhandas Tanna's case and the issue of grant of the land shall be decided strictly as per law as expeditiously as possible and in any case within a period of four months from now.

(B.H.MARLAPALLE,J.)